

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at WINCHESTER

|                                    |   |                      |
|------------------------------------|---|----------------------|
| SKYMONT FARMS, DUSTY WANAMAKER,    | ) |                      |
| ANTHONY WANAMAKER and              | ) |                      |
| CATRENIA WANAMAKER,                | ) | No. 4:09-cv-77       |
|                                    | ) |                      |
| <i>Plaintiffs,</i>                 | ) | Judge Mattice        |
|                                    | ) | Magistrate Judge Lee |
| v.                                 | ) |                      |
|                                    | ) |                      |
| SUZANNE NORTH, individually;       | ) |                      |
| CINDY ANDERSON, individually;      | ) |                      |
| RICHARD MACKIE, individually;      | ) |                      |
| SUZANNE NORTH DBA SUMMITVILLE      | ) |                      |
| CROP INSURANCE AGENCY;             | ) |                      |
| CINDY ANDERSON DBA SUMMITVILLE     | ) |                      |
| CROP INSURANCE AGENCY;             | ) |                      |
| RICHARD MACKIE DBA SUMMITVILLE     | ) |                      |
| CROP INSURANCE AGENCY; and         | ) |                      |
| SUMMITVILLE CROP INSURANCE AGENCY, | ) |                      |
|                                    | ) |                      |
| <i>Defendants.</i>                 | ) |                      |

**SCHEDULING ORDER**

**1. *Introduction:*** Pursuant to Fed. R. Civ. P. 16(b), a scheduling conference was held in this cause on **September 30, 2009**. Present representing the plaintiffs **was** attorney **Stephen Neal**. Present representing the defendants **were** attorneys **Charles Moody** and **Greg Calloway**. The following action was taken.

**2. *Jurisdiction:*** In this case, the subject matter jurisdiction of the Court has been invoked pursuant to **28 U.S.C. § 1331**, and **is not** in dispute.

**3. *Consent to Magistrate Judge:*** The parties **do not** consent **at this time** that all proceedings in this case may be conducted by a United States Magistrate Judge in accordance with **28 U.S.C. § 636(c)**.

**4. *Settlement/Alternative Dispute Resolution***

(a) The possibility of this case being resolved by settlement appears to be **unknown** at this time.

(b) The parties shall discuss the possibility of utilizing the Federal Court Mediation Program in this case. They will notify the Court on or before **January 8, 2010** as to whether they think the Federal Court Mediation Program can aid in resolving this case. Letters expressing the parties' views in this regard should be sent to the attention of Geneva Ashby, U.S. District Court, 900 Georgia Avenue, Room 309, Chattanooga, Tennessee 37402.

**5. Disclosure and Discovery**

(a) **Fed. R. Civ. P. 26(f) Meeting:** The parties have held a discovery planning meeting as required by Rule 26(f).

(b) **Discovery Plan:** The parties shall develop a discovery plan and file it with the Court within ten (10) days following this conference. This discovery plan shall conform to the provisions of Fed. R. Civ. P. 26(f).

(c) **Initial Disclosures:** The parties shall make all disclosures required by Rule 26(a)(1) on or before **December 4, 2009**.

(d) **Expert Testimony:** Plaintiffs shall disclose to all other parties any expert testimony in accordance with Fed. R. Civ. P. 26(a)(2) on or before **August 3, 2010**. Defendants shall disclose to all other parties any expert testimony in accordance with Fed. R. Civ. P. 26(a)(2) on or before **August 31, 2010**.

If at any time it appears that a *Daubert* hearing may be necessary to determine the admissibility of expert testimony, the parties shall notify the Court at their earliest convenience of the potential need for such a hearing.

(e) **Final Witness List:** On or before **September 14, 2010**, each party shall provide to all other parties a final witness list in accordance with Fed. R. Civ. P. 26(a)(3)(A). Within five (5) days after service of this final witness list, the list may be supplemented. After that time, the list may be supplemented only with leave of the Court and for good cause.

(f) **All Discovery:** All discovery, including the taking of depositions "for evidence," shall be completed by **September 28, 2010**.

(g) **Pretrial Disclosures:** On or before **November 9, 2010**, the parties shall make the pretrial disclosures specified in Fed. R. Civ. P. 26(a)(3)(A)(ii) and (iii) (*i.e.*, deposition testimony and exhibit list). All deposition testimony to be offered into evidence must be disclosed to all other parties on or before this date.

(h) **Courtroom Technology:** On or before **January 4, 2011**, the parties shall disclose to one another and to the Court the technology they intend to use in the courtroom during the trial and how they intend to use it (*e.g.*, display equipment; data storage, retrieval, or

presentation devices). This disclosure shall list (1) equipment they intend to bring into the courtroom to use, and (2) equipment supplied by the Court which the parties intend to use.

Further, the parties shall disclose to one another the content of their electronic or digital materials by **January 4, 2011**, and shall confirm the compatibility/viability of their planned use of technology with the Court's equipment by **January 4, 2011**. General information on equipment supplied by the Court is available on the Eastern District of Tennessee website ([www.tned.uscourts.gov](http://www.tned.uscourts.gov)). Specific questions about Court-supplied equipment should be directed to the presiding judge's courtroom deputy (directory available on website).

**6. Other Scheduling Matters**

(a) **Joinder of Parties and Amendments to the Pleadings:** If any party wishes to join one or more additional parties or amend its pleadings, such joinder or amendment shall be made by **August 31, 2010**.

(b) **Dispositive Motions:** All dispositive motions under Fed. R. Civ. P. 12 and all motions for summary judgment pursuant to Fed. R. Civ. P. 56 shall be filed as soon as possible, but no later than **October 12, 2010**. The failure to timely file such motions will be grounds to summarily deny them.

(c) **Motions in Limine:** Any motions in limine must be filed no later than **December 21, 2010**.

(d) **Special Requests to Instruct for Jury Trial:** Pursuant to Local Rule 51.1, requests for jury instructions shall be submitted to the Court no later than **December 21, 2010** and shall be supported by citations of authority pursuant to Local Rule 7.4. A copy of the proposed jury instructions should be sent as an electronic mail attachment in WordPerfect or WordPerfect-compatible format to [mattice\\_chambers@tned.uscourts.gov](mailto:mattice_chambers@tned.uscourts.gov).

**7. Final Pretrial Conference:** A final pretrial conference will be held in this case on **January 4, 2011 at 4:00 pm** before the United States District Judge, U.S. District Courthouse, Courtroom 1A, 900 Georgia Avenue, Chattanooga, Tennessee. The parties shall prepare a final pretrial order and shall submit such order to the Court at least one day before the date of the final pretrial conference. The parties shall submit such order by sending it as an electronic mail attachment in WordPerfect or WordPerfect-compatible format to [mattice\\_chambers@tned.uscourts.gov](mailto:mattice_chambers@tned.uscourts.gov).

**8. Trial:** The trial of this case will be held before the United States District Judge **and a jury** beginning on **January 11, 2011 in Winchester, Tennessee**. The trial is expected to last **2-3 days**. Counsel shall be present at **9:00 a.m.** to take up any preliminary matters which may require the Court's attention. The parties shall be prepared to commence trial at **9:00 a.m.** on the date which has been assigned. If this case is not heard immediately, it will be held in line until the following

day or any time during the week of the scheduled trial date. **SHOULD THE SCHEDULED TRIAL DATE CHANGE FOR ANY REASON, THE OTHER DATES CONTAINED IN THIS ORDER SHALL REMAIN AS SCHEDULED. SHOULD THE PARTIES DESIRE A CHANGE IN ANY OF THE OTHER DATES, THEY SHOULD NOTIFY THE COURT AND SEEK AN ORDER CHANGING THOSE DATES IN ACCORDANCE WITH RULE 16(B).**

**ENTERED** this 6th day of October, 2009.

*/s/Harry S. Mattice, Jr.*

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HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE